

## Memorandum

Date: April 13, 1999

To: Federal-State Small Group

From: Rick Soehren *RS*  
CALFED Bay-Delta Program

Subject: Programmatic 404 Compliance Strategy

The Revised Phase II Report proposed a strategy for programmatic compliance with Clean Water Act Section 404 that included a Memorandum of Agreement between the Corps, EPA, and other appropriate CALFED agencies. **The goal is to have a draft MOA framework available by the time the revised public draft EIS/EIR is released, and a final MOA ready for signature by January 2000.**

The March Policy Group packet included a description of elements that might be considered for inclusion in an MOA. CALFED staff have now prepared, and Corps and EPA staff have reviewed, a first rough draft of an MOA. **Good progress is being made on a draft MOA that will bring CALFED agencies to agreement on a compliance strategy.**

The following proposed schedule would allow for agency and stakeholder input on the draft MOA before completion of the revised public draft EIS/EIR.

April 29 CALFED, Corps, EPA staff meet to review revised draft MOA, Draft MOA circulated to CALFED agencies

May 4 or 11 Small Group concurrence with direction of draft MOA

Mid May Meet with stakeholders to get initial reaction/input on draft MOA

Early June Draft EIS/EIR package including draft MOA to printer

The draft MOA would be a framework that suggests policy direction, not a completed draft document. Thus, it may be appropriate to move the draft from Small Group to stakeholder discussions as early in May as possible, rather than taking the draft to Policy Group on May 13 without any stakeholder input.

### CALFED Agencies

**California**  
The Resources Agency  
Department of Fish and Game  
Department of Water Resources  
California Environmental Protection Agency  
State Water Resources Control Board

**Federal**  
Environmental Protection Agency  
Department of the Interior  
Fish and Wildlife Service  
Bureau of Reclamation  
U.S. Army Corps of Engineers

**Department of Agriculture**  
Natural Resources Conservation Service  
Department of Commerce  
National Marine Fisheries Service